REMARKS

This responds to the Final Office Action dated April 29, 2010.

Claim 37 is amended, no claims are canceled or added; as a result, claims 1, 4, 6-23, 25, 28 and 30-44 remain pending in this application. Support for the amendment may be found throughout the specification, and at least at page 9, lines 8-16. No new matter has been included with the amendments.

The Rejection of Claims Under § 103

Claims 1, 6-10, 13-15, 18-23, 25, 30-34, 37, 39, and 42-43 were rejected under 35 U.S.C. 103(a) as being unpatentable over Flake et al (U.S. 5,832,451; hereinafter "Flake") in view of Gardener et al (U.S. Publication Number 2002/0178034; hereinafter "Gardener") and Hollatz et al (U.S. 6,333,980; hereinafter "Hollatz"). The determination of obviousness under 35 U.S.C. § 103 is a legal conclusion based on factual evidence. *See Princeton Biochemicals, Inc. v. Beckman Coulter, Inc.*, 411 F.3d 1332, 1336-37 (Fed.Cir. 2005). The legal conclusion that a claim is obvious within § 103(a) depends on at least four underlying factual issues set forth in *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1, 17, 86 S.Ct. 684, 15 L.Ed.2d 545 (1966). The underlying factual issues set forth in *Graham* are as follows: (1) the scope and content of the prior art; (2) differences between the prior art and the claims at issue; (3) the level of ordinary skill in the pertinent art; and (4) evaluation of any relevant secondary considerations.

The Examiner has the burden under 35 U.S.C. § 103 to establish a *prima facie* case of obviousness. *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir.1988). To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested, by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974) ; M.P.E.P. § 2143.03. "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970) ; M.P.E.P. § 2143.03. As part of establishing a *prima facie* case of obviousness, the Examiner's analysis must show that some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead an individual to combine the

relevant teaching of the references. *Id.* To facilitate review, this analysis should be made explicit. *KSR Int'l v. Teleflex Inc., et al.*, 127 S.Ct. 1727; 167 L.Ed 2d 705; 82 USPQ2d 1385 (2007) (citing *In re Kahn*, 441 F. 3d 977, 988 (Fed. Cir. 2006)). Applicant respectfully submits that there exist differences between the claims and the cited combination, thus the claims are not obvious in view of the cited combination.

For example, claim 1 recites "upon determining that a number of available travel counselors within the skill group associated with the task is above a predetermined threshold, routing the task to a travel counselor within the skill group for further processing the task, wherein the predetermined threshold is set to insure that one or more travel counselors are available to answer incoming phone requests." Claims 14 and 25 recite the same or similar elements. The Office Action correctly states that Flake does not disclose determining that a number of available travel counselors within the skill group associated with the task is above a predetermined threshold, routing the task to a travel counselor within the skill group for further processing the task. However, the Office Action attempts to make up for the deficiency in Flake by stating that Hollatz discloses the recited language at column 7, lines 5-10. Applicant respectfully disagrees. The cited portion of Hollatz discloses:

> It is possible that two calls may be placed in common queue waiting for an available agent in a single skill group. Preferably, the call received first by the ACD will receive the first available agent in the skill group. If two calls are in queues for two different skill groups and an available agent enters both skill groups, there are numerous ways to determine priority for the calls.

It is clear from the cited portion that Hollatz is disclosing a situation where calls are waiting in a queue. Because the calls are waiting in a queue, there is no agent available to take the calls. Only when an agent becomes available is the call routed. In contrast, Applicant's claims recite the opposite, in particular, "the predetermined threshold is set to insure that one or more travel counselors are available to answer incoming phone requests." In Hollatz, there is no such predetermine threshold set to insure counselors are available. The disclosure in Hollatz specifically indicates the counselors are not available as the calls are waiting for an available agent. As a result, none of Flake, Gardener or Hollatz disclose each and every element of claims 1, 14 or 25. Therefore there are differences between claims 1, 14 and 25 and the combination of Flake, Gardener and Hollatz. Thus claims 1, 14 and 25 are not obvious in view of the

combination. Applicant respectfully requests reconsideration and the withdrawal of the rejection of claims 1, 14 and 25.

Claims 6-10, 13 and 39 depend either directly or indirectly from claim 1; claims 15, 18-23 and 42 depend either directly or indirectly from claim 14; and claims 30-34, 37 and 43 depend either directly or indirectly from claim 25. These dependent claims are patentable over the combination of Flake, Gardener and Hollatz for at least the reasons argued above, and are also patentable in view of the additional elements which they provide to the patentable combination. If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is also nonobvious. MPEP § 2143.03.

Additionally, claim 37 has been amended to recite "retrieving a traveler type of a plurality of traveler types" and "determining one or more valid travel service options from the information from the GDS in accordance with the at least one travel policy and the traveler type." Applicant has reviewed the currently cited references and can find no disclosure of using a travel policy and a traveler type to determine one or more valid travel services.

Claims 4 and 28 were rejected under 35 U.S.C. 103(a) as being unpatentable over Flake in view of Gardener and Hollatz as applied to claim 1 above, and further in view of Bull et al (U.S. 5,995,943; hereinafter "Bull").

Claims 11, 35, 38, and 41 were rejected under 35 U.S.C. 103(a) as being unpatentable over Flake in view of Gardener and Hollatz as applied to claim 1 above, and further in view of Iyengar et al (U.S. 6,360,205; hereinafter "Iyengar").

Claims 12 and 36 were rejected under 35 U.S.C. 103(a) as being unpatentable over Flake in view of Gardener and Hollatz as applied to claim 1 above, and further in view of Harris et al (U.S. Publication Number 2002/0108109; hereinafter "Harris").

Claims 16-17 were rejected under 35 U.S.C. 103(a) as being unpatentable over Flake in view of Gardener and Hollatz as applied to claim 1 above, and further in view of Lynch et al (U.S. 6,119,094; hereinafter "Lynch").

Claims 40 and 44 were rejected under 35 U.S.C. 103(a) as being unpatentable over Flake in view of Gardener and Hollatz as applied to claim 1 above, and further in view of Buchanan (U.S. 6,009,408).

Each of claims 4, 11, 12, 16, 17, 28, 35-36, 38, 40 and 44 depend either directly or indirectly from claims 1, 14 or 25. Thus these dependent claims inherit the elements of the respective base claims, including elements discussed above related to determining that a number of available travel counselors within the skill group associated with the task is above a predetermined threshold, routing the task to a travel counselor within the skill group for further processing the task, wherein the predetermined threshold is set to insure that one or more travel counselors are available to answer incoming phone requests. As discussed above, Flake, Gardener and Hollatz fail to teach or suggest the above-mentioned elements. In addition, Applicant has reviewed Bull, Iyengar, Harris, Lynch and Buchanan and can find no teaching or suggestion of determining that a number of available travel counselors within the skill group associated with the task is above a predetermined threshold, routing the task to a travel counselor within the skill group for further processing the task, wherein the predetermined threshold is set to insure that one or more travel counselors are available to answer incoming phone requests. As a result, the combination of Flake, Gardener and Hollatz with any of Bull, Iyengar, Harris, Lynch and Buchanan does not teach or suggest each and every element of claims 4, 11, 12, 16, 17, 28, 35-36, 38, 40 and 44.

In view of the above, Applicant respectfully requests reconsideration and the withdrawal of the rejection of claims 1, 4, 6-23, 25, 28 and 30-44.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone the undersigned at (612) 373-6954 to facilitate prosecution of this application.

If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

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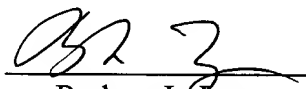
Date October 29, 2010 By 
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CERTIFICATE UNDER 37 C.F.R 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 29th day of October, 2010.

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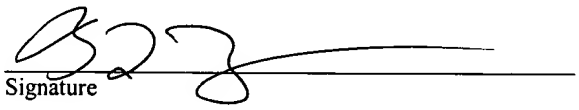
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